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असाधारण

EXTRAORDINARY

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PART II — Section 2

प्राधिकार से प्रकाशित

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NEW DELHI, FRIDAY, AUGUST 19, 2011/14 SRAVANA, 1933 (SAKA)

इस भाग में भिन्न पृष्ठ संख्या दी जाती है जिससे कि यह अलग संकलन के रूप में रखा जा सके।

Separate paging is given to this Part in order that it may be filed as a separate compilation.

LOK SABHA

The following Bills were introduced in Lok Sabha on 19th August 2011.

BILL No. 45 OF 2011

A Bill to provide for setting up of a Commission for imparting science, engineering and medical sciences education in Indian languages and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called Commission for Imparting Science, Engineering and Medical Sciences Education in Indian Languages Bill, 2011.

(2) It extends to the whole of India.

Short title,
extent and
commence-
ment.

(3) It shall come into force on such date as, the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) "Indian languages" includes the languages included in the Eighth Schedule to the Constitution; and

(ii) "prescribed" means prescribed by rules made under this Act.

Setting up of Commission for imparting science, engineering and medical sciences education in Indian languages.

3. The Central Government shall set up a Commission which shall be known as the Commission for Imparting Science, Engineering and Medical Sciences Education in Indian Languages (hereinafter referred to as the Commission).

Composition of the Commission.

4. (1) The Commission shall consist of the following:—

(i) a Chairperson, who shall have not less than twenty years of experience in the field of teaching at university level and in administration, to be appointed by the Central Government;

(ii) thirty other members having fair knowledge of atleast any one of the languages included in the Eighth Schedule to the Constitution and not less than twenty years experience of teaching science or engineering or medical sciences at the university level, to be nominated by the Central Government in consultation with the Chairman.

(2) The salary and allowances payable to, and other terms and conditions of service of Chairman and other members of the Commission shall be such as may be prescribed.

(3) The Commission shall have its headquarters in New Delhi.

(4) The Central Government shall provide such number of officers and staff to the Commission, as may be necessary for its efficient functioning.

(5) The salary and allowances payable to, and other terms and conditions of the officers and staff of the Commission shall be such as may be prescribed by the Central Government.

Functions of the Commission.

5. The Commission shall perform the following functions:—

(i) working with the State Governments with a view to providing secondary, higher secondary, college and university level education in all science stream subjects in Indian languages in all the educational institutions in such manner as may be prescribed;

(ii) giving such assistance as may be prescribed to all institutions imparting education in technological, engineering and medical sciences with a view to provide such education in Indian languages;

(iii) causing the preparation of syllabi of all science stream subjects at all levels of education in Indian languages in consultation with universities and institutions providing engineering and medical education and such other experts as it may deem fit;

(iv) causing the preparation of glossary of 'technical terms' of all the subjects relating to science, technology, engineering and medical sciences in the Indian languages;

(v) organizing seminars and workshops inviting suggestions from experts and such other persons including general public to ensure the high standard of technical, engineering and medical education in Indian languages.

6. One year after the commencement of the Act, it shall be the duty of Government of every State to impart technical, engineering or medical science education in the official language of the State or in any of the Indian languages spoken by majority of the people in the State:

State Governments to impart technical, engineering or medical science education in the official language of the State.

Provided that any student studying in any of the institutions imparting technical, engineering or medical sciences education may also continue to pursue his studies in a language in which he was receiving instructions before the commencement of this Act.

7. The Central Government shall, after due appropriation by Parliament by law, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide funds.

8. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt within this Act.

Act not in derogation of other laws.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purpose of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Mother tongue is the best medium of expression. Our thoughts are best expressed in our mother tongue and it plays an important role in our upbringing. Therefore, if the medium of instructions for imparting education in schools and colleges is the mother tongue, it will enable the students to obtain better results and to stimulate their cognitive development and ability to study. The use of English as a medium of instruction in schools and colleges education was chosen during the British rule and is still being used as a sole medium of instruction in higher education particularly for science subjects. But we should not forget that all Indian languages have depository of knowledge. Today, imparting education in English language has become a symbol of so called civilization. Mother tongue is seen with inferiority and infirmity. But, the countries which are on top and leading the world in the areas of development, viz. China, Japan, Russia, Germany, etc. chose to impart education of science, technology and medical sciences in their mother tongue. They are unaffected without introducing English as a medium of instruction in education, instead they have been continuously leading in the field of science and technology.

In our country, many languages are spoken and this fact represents our 'unity in diversity'. These languages are advance and rich. If we intend to become a super power and join the League of such Nations, we need to take urgent steps to promote and implement the use of Indian languages as a medium of instruction in all subjects not only in schools but also in institutions of higher learning. Had we imparted education of all basic subjects including science, technology and medical sciences in our mother tongue, we would have made sweeping reforms in our system of education.

It is therefore, necessary to promote and impart education of science, technology, engineering and medical sciences in Indian languages so that students can learn better in their own language and utilize their potential to the fullest extent. Moreover, such a step will ensure development of all Indian languages and safeguard our heritage. The Bill seeks to provide for setting up of a Commission for facilitating and imparting education including science, engineering and medical sciences in Indian languages and for other related matters.

Hence, this Bill.

NEW DELHI;
July 15, 2011.

HANSRAJ GANGARAMAHIR.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to provide for setting up of a Commission for facilitating and imparting science, engineering and medical sciences education in Indian Languages. Clause 4 provides for composition, salary and allowances to be paid to the Chairman and other members of the Commission. Clause 5 of the Bill provides that the Commission shall perform certain functions like preparation of syllabi of all science stream subjects, preparation of glossary of 'technical terms' of all subjects, organization of workshops and seminar, etc. Clause 7 provides that the Central Government shall provide funds to the Commission after due appropriation by Parliament.

The Bill, therefore, if enacted is likely to involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of rupees five hundred crore is likely to be incurred from the Consolidated Fund of India.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill.

As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO. 46 OF 2011

A Bill to provide for the constitution of an authority for the purpose of protection of cow and its progeny in the country and similar authorities at the State level and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Cow Protection Authority Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—
 - (a) “Authority” means the National Cow Protection Authority established under section 4;
 - (b) “cow” includes its progeny and bulls and bullocks;

(c) "prescribed" means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force or any usage or custom to the contrary, no person shall cause any injury or kill or attempt to kill, for any reason whatsoever, any cow in the country.

Prohibition of Slaughter of Cow and its progeny.

4. The Central Government shall establish an Authority to be known as the National Cow Protection Authority for the protection and overall development of the cow and its progeny.

Establishment of National Cow Protection Authority.

5. (1) The Authority shall consist of :—

Composition of National Cow Protection Authority.

(i) a Chairperson, who shall be an expert in the discipline of rural economy having not less than twenty years of experience in that field, to be appointed by the Central Government; and

(ii) twenty members, having not less than ten years experience of teaching/working in the field of rural economy and animal husbandry, to be nominated by the Central Government in consultation with State Governments.

(2) The Chairperson and other members of the Authority shall hold office for a period of five years.

(3) The headquarters of the Authority shall be at Nagpur in the State of Maharashtra.

(4) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the Authority shall be such as may be prescribed.

(5) The Central Government shall provide such number of officers and staff to the Authority as may be required for its efficient functioning.

(6) The Salary and allowances payable to, and other terms and conditions of the officers and staff of the Authority shall be such as may be prescribed.

6. (1) The Central Government shall establish an Authority for the protection and overall development of the cow and its progeny in each State/Union territory to be known as the State Cow Protection Authority or the Union Territory Cow Protection Authority, as the case may be.

Establishment of State cow protection Authority.

(2) The State Authority shall consist of :—

(i) a Chairperson, who shall be an expert in the discipline of rural economy having not less than fifteen years of experience in that field, to be appointed by the National Authority in such manner as may be prescribed; and

(ii) ten members, having not less than ten years experience of teaching/working in the field of rural economy and agriculture, to be nominated by the National Authority in such manner as may be prescribed.

(3) The Chairperson and other members of the State Authority shall hold office for a period of five years.

(4) The salary and allowances payable to, and other terms and conditions of the Chairperson and the members of the State Authority shall be such as may be prescribed.

(5) The State Authority shall function under the overall guidance and control of the National Authority.

Functions of
the National
Authority.

7. The Authority shall perform the following functions:—

(a) **Collection, compilation and collection of data pertaining to different varieties/ hybrids of cows found in the country;**

(b) conducting comprehensive cow census once in every three years;

(c) monitoring slaughter-houses in the country with a view to ensuring that no cow is slaughtered there;

(d) improving the breed of cows through various scientific processes including artificial insemination;

(e) publicise and propagate the importance of cow for the Indian economy through public awareness campaigns, newspapers and audio-visual media;

(f) promoting the use of modern animal husbandry techniques to increase milk productivity of indigenous cow;

(g) promote and propagate the use of ayurvedic medicines prepared with the use of contents of cow milk, *gobar and gomutra* among masses through print or electronic media;

(h) **functioning as a resource centre in respect of ayurvedic or other medicines based on cow milk, *gobar and gomutra* and providing financial assistance for its promotion;**

(i) promoting and propagate the manufacturing of medicines with the help of contents of cow milk, *gobar and gomutra*;

(j) increasing public awareness for greater use of cow dung as a manure as a substitute for chemical fertilizers and making available the same to the farmers at reasonable rates;

(k) **providing assistance and guidance for developing local grazing grounds for cows in such manner as may be prescribed;**

(l) monitoring the implementation of ban on export of beef from slaughter houses or from any other place in the country;

(m) promoting the production and export of milk and milk-based products;

(n) providing assistance to State Authorities for the loss of cow and other infrastructure during natural calamities;

(o) **providing for the care of sick, old and infirm cow;**

(p) **construction of cow shelters with the provision of adequate facilities including veterinary doctors and other support staff;**

(q) **providing financial assistance for construction of veterinary hospitals for the treatment of cow;**

(r) **providing necessary assistance and guidelines for promotion of *gobar* gas plants;**

(s) tendering advice to State Governments/Union territory Administrations on issues arising out of implementation of the provisions of the Act; and

(t) such other functions as may be assigned to it by the Central Government.

8. The State/Union territory Authority shall perform the following functions:—

(i) formation of special squads at district levels for enforcement of the provision of ban on slaughter of cow and its progeny;

Functions of
the State/
Union
territory
Authority.

(ii) monitoring slaughter-houses within their jurisdiction with a view to ensuring that no cow is slaughtered there;

(iii) taking the assistance of State Authorities in implementation of the provisions of this Act;

(iv) moving the cows seized from the slaughter houses to the nearest cow shelter constructed for the purpose; and

(v) such other functions as may be assigned to it by the National Authority.

9. (1) Whoever kills or attempts to kill or abet the killing of cow shall be punishable with rigorous imprisonment for a term which may extend to seven years but which shall not be less than two years and with fine which may extend to ten thousand rupees; Punishment.

(2) Whoever causes injury to a cow but does not result in its death shall be punishable with fine which may extend to five thousand rupees;

(3) Whoever indulges in export or import of cows for the purpose of slaughtering or indulges in trading in beef or attempts to indulge in or abets such acts shall be punishable with imprisonment which may extend to five years and with fine which may extend to ten thousand rupees.

10. The Central Government shall, after due appropriation by Parliament by law, provide adequate funds for the implementation of the provisions of the Act.

Central Government to provide adequate funds.

11. The provisions of this Act shall be in addition to and not in derogation of any other law, for the time being in force, regulating any of the matters dealt with in this Act.

Act not to be in derogation of other Laws.

12. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of the Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Our country is currently paying a heavy price for excessively interfering with the nature. Wrong practices being adopted in agriculture have given rise to a number of issues including unemployment, degradation of land and deteriorating water resources. Deforestation has resulted in land erosion and also in lowering of water level. The ecological experts are warning us against the ill-effects of reduction in Bio-diversity.

Cow and its progeny are the mainstay of agriculture and rural economy of the country. Cows are considered sacred in our tradition and there is a good reason for that. Even then we are unable to save them from extermination. Smuggling of livestock worth 150 million rupees is taking place along Indo-Bangladesh border every year. According to an estimate, approximately 80 per cent of the cow and its progeny have already been destroyed since independence. It is our misfortune that we have undermined our culture from which we have benefited so much. We still do not appreciate the kind of riches we can get if only proper arrangements are put in place to protect and enrich our cows and their progeny. The existence of 36,000 slaughter-houses in the country is a pointer to this.

Hybrid varieties yield more milk but become less productive in a short span. The indigenous cows are important not only for their milk but also for other by-products such as, cow dung, bones, horns, urine which have adequate medicinal importance. Community animal husbandry can help run bio-gas plant having 85 to 125 cubic meter capacity. It may be said that there is a strong linkage amongst rural industries, seven lakh villages and promotion of cow progeny. Mosquito-resistant coils, phenyl, insecticides, distemper, earthen tiles, shaving creams, face creams, utensil cleaning powders, tooth protection, herbal shampoos and also medicines for stomach cancer, kidney disease, respiratory disease and tuberculosis etc. are just some of the products that are based on materials derived from cows. This proves that we can still generate employment on a very large scale to promote rural economy on the basis of cow and its progeny. That is why, cow is regarded in our country as *gaumata* and hence, there is need to make special provisions for protection, promotion and development of cow and its progeny.

This Bill proposes to constitute a National Cow Protection Authority at the national level and State Cow Protection Authority at the State level for protection and development of cow and its progeny which is considered as the basis for the development of country and rural economy.

Hence, this Bill.

NEW DELHI;
July 15, 2011.

HANSRAJ GANGARAM AHIR.

FINANCIAL MEMORANDUM

Clause 4 of the Bill provides for the constitution of a National Authority for protection of cow and its progeny. Clause 5 provides for composition of the National Authority and salary and allowances payable to the Chairman and other members of the Authority. Clause 6 provides for constitution of the State Authority in States and Union territories protection and overall development of cow and its progeny in the States and Union territories by the Central Government. Clause 7 provides that Central Authority shall perform certain functions like collection and compilation of data pertaining to indigenous cows, setting up of shelter with adequate facilities for cows, providing financial assistance to the State Cow Protection Authority etc. Clause 8 provides for formation of special squads for enforcement for protection of cows. Clause 10 provides that Central Government shall release funds to Central Authority after due appropriation. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of approximately rupees one thousand crore is likely to be involved.

A non-recurring expenditure of one hundred crore rupees is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 12 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill. The rules will relate to matters of detail only. Therefore, the delegation of legislative power is of a normal character.

BILL NO. 30 OF 2011

A Bill further to amend the Constitution (Scheduled Tribes) Order, 1950.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Scheduled Tribes) Order (Amendment) Act, 2011.

Amendment
of the
Schedule.

2. In the Schedule to the Constitution (Scheduled Tribes) Order, 1950, in Part IX. —
Maharashtra, for entry 19, the following entry shall be substituted, namely:—

"19. Halba, Halbi, Halba Koshti, Halbi Koshti, Vinkar Koshti, Saavji Koshti, Bunkar Koshti, Koshti."

C.O. 22 of
1950.

STATEMENT OF OBJECTS AND REASONS

Even in the pre-independence period, that is, during the British period and also after independence, the people belonging to *Halba* and *Halbi* community were recognised as tribes and were availing the benefits of reservation. This community, which is settled mostly in the tribal areas of Central India, chronically suffered from poverty, lack of education resulting in social and economic backwardness. These factors caused their migration to other areas in search of employment. These people also migrated to certain parts of Maharashtra in search of employment. In Maharashtra, people of this community adopted the profession of *Weaving* to earn their livelihood. Weavers are addressed as *Koshtis* in Marathi. Because of this, the people who were known as *Halba* and *Halbi* earlier are now known as *Koshti*. After coming in contact with other communities their language and way of living has changed a little but their essential character has not changed. This fact has also been recorded during the British times. This community was getting all the benefits of reservation till the British period. But since 1950, such benefits have been withdrawn as they could not produce any evidence in support of their claim as a tribe. These people have *Halbas* and *Halbis* as their predecessors, but as a result of widespread backwardness and lack of education they have been deprived of the facility of reservation for which they are entitled. This has, in turn, resulted in further worsening of their condition.

Therefore, in order to ensure justice to such people and keeping in view their economic, social and educational backwardness it is imperative that they are placed among Scheduled Tribes in respect of the State of Maharashtra.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 15, 2011.

HANSRAJ GANGARAM AHIR.

FINANCIAL MEMORANDUM

The Bill seeks to include *Halba*, *Halbi*, *Halba Koshti*, *Halbi Koshti*, *Vinkar Koshti*, *Saavji Koshti*, *Bunkar Koshti* and *Koshti* communities in the list of Scheduled Tribes in respect of the State of Maharashtra by way of amending the Constitution (Scheduled Tribes) Order, 1950. The Bill, if enacted, would involve recurring and non-recurring expenditure on account of the benefits to be given under the schemes and programmes of the Government meant for social, educational and economic development of the persons belonging to the Scheduled Tribes. At this stage, it is not possible to mention the exact amount which may be incurred on this account. However, it is estimated that a sum of approximately rupees one hundred crore is likely to be involved as a recurring expenditure per annum.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

BILL NO. 52 OF 2011

A Bill to prohibit the production, promotion and sale of gutka and pan masala.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Gutka and Pan Masala (Prohibition) Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “gutka” means and includes combination of tobacco containing arecanut, synthetic katha, lead, arsenic, magnesium carbonate, and any other substance causing injury to health on consumption; and

(ii) “pan masala” means and includes,—

(a) *Khaini*, *jarda* or any preparation containing betel nuts, lime, *katha* (catechu) and tobacco whether or not containing other ingredients such as cardamom, copra or menthol; and

(b) any flavouring material containing tobacco, chemical ingredients or carcinogenic elements which are hazardous to human consumption.

3. Manufacturing, promotion or selling of pan masala and gutka is hereby prohibited.

Prohibition of pan masala and gutka.

4. Any person who contravenes the provisions of section 3 shall be punished with imprisonment for a term which may extend to ten years or with a fine which may extend to rupees five lakhs or with both.

Punishment.

5. No Court inferior to that of a Chief Metropolitan Magistrate or Chief Judicial Magistrate, as the case may be, shall try any offence punishable under this Act.

Court empowered to try offences.

6. All Offences punishable under the Act shall be cognizable.

Offences to be cognizable.

AMENDMENT TO INDUSTRIES (DEVELOPMENT AND REGULATION) ACT, 1951

65 of 1951.

7. In the Industries (Development and Regulation) Act, 1951, in the First Schedule, in Entry 38, in item (1), for the word, "Cigarettes" the word "Cigarettes, including Gutka and Pan Masala" shall be substituted.

Amendment of the Industries (Development and Regulation) Act, 1951.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the provisions of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

A large number of children, youngsters and adults are getting habituated towards the use of Pan Masala and Gutka which is proving to be very hazardous to their health. The number and frequency of Pan Masala and Gutka users are increasing day by day and this naturally causes damage to their health and threatens their very existence.

Pan Masala and Gutka can cause cancer too. The warning on the packing of these products to the effect that "chewing of gutka and pan masala is injurious to health" is an ample proof in this regard. In fact recent studies by the Mumbai based Tata Institute for Fundamental Research and Rajiv Gandhi Cancer Institute, Delhi, Gujarat Cancer Research Society, Ahmedabad have proved the deadly effects of using pan masala and gutka. That this habit is spreading at a very fast rate is proved by the rapid increase in the turnover of these products. The Government has admitted that the pan masala and gutka industry has grown from an estimated rupees 200 crore in 1992 to rupees 1000 crore in 1997.

The State Governments of Goa, Maharashtra and Andhra Pradesh have expressed serious concern over the increasing use of gutka and pan masala. An expert Technical Committee on use of tobacco in pan masala and gutka, which was constituted on 17.08.1994 under the Chairmanship of the Director General of Health Service had recommended that the use of chewing tobacco in pan masala/gutka should be prohibited as its consumption was injurious to health. The recommendations were also endorsed by the Central Committee for Food Standards, a statutory advisory Committee under the Prevention of Food Adulteration Act, 1954, charged with the responsibility to advise Central/State Governments on matters concerning food safety and quality control.

However, the use of pan masala and gutka continues unabated causing serious damage to the health of children, youngsters, the aged persons and even women.

This Bill seeks to prohibit the production, promotion and sale of pan masala and gutka.

NEW DELHI;
July 15, 2011.

KIRIT PREMJBHAI SOLANKI.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill gives power to the Central Government to make rules for carrying out the purpose of the Bill. The rules will relate to matters of detail only. The delegation of legislative power is, therefore, of a normal character.

BILL NO. 43 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. This Act may be called the Constitution (Amendment) Act, 2011.

Short title.

2. After clause (1) of article 72 of the Constitution, the following clause shall be inserted, namely:—

Amendment of
article 72.

"(1A) Save as otherwise provided in clause (1), the power to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence relating to—

(a) sedition or waging war against the State; or

(b) terrorist activities in any part of the country,

shall be exercised by the President within a period of one year from the date of receipt of the petition of mercy."

STATEMENT OF OBJECTS AND REASONS

Article 72 of the Constitution gives power to the President to grant pardons, reprieves, respites or remissions of punishment or to suspend, remit or commute the sentence of any person convicted of any offence. Accordingly, considerable number of people, who are sentenced to death or life imprisonment, etc. send mercy petitions to the President of India.

However, in the last several years, criminal activities against the State including that of sedition, waging war against the Government of India and terrorist activities in many parts of the country have noticeably increased. The persons who commit such heinous crimes as killing innocent people to serve their narrow political or religious purposes use this tool of mercy petition just to delay the justice and thus even after they have been convicted, they do not serve their sentence for years because their mercy petitions take several years to be disposed of.

Though there is no need to dilute the power of the President of India under the Constitution regarding mercy petitions but in respect of certain offences such as sedition or waging war against the State or terrorist activities, this power needs to be subject to the condition that the decision of the President shall be conveyed within one year of the receipt of the mercy petition.

Hence, this Bill.

NEW DELHI;
July 15, 2011.

KIRIT PREMJI BHAI SOLANKI.

BILL NO. 31 OF 2011

A Bill to make military training compulsory for all able-bodied persons and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Compulsory Military Training Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Short title,
extent and
commence-
ment.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) "appropriate Government" means in the case of a State, the Government of that State and in the case of a Union territory, the Central Government; and

(b) "person" means a person above the age of fourteen years but less than fifty years.

Compulsory military training.

3. (1) **The Central Government shall provide military training to all able-bodied persons for a period of not less than one year.**

(2) **The Central Government shall establish such number of institutions and take such other necessary steps, as it may deem fit to give effect to the provisions of sub-section (1).**

(3) Every person who successfully completes training under sub-section (1) shall be awarded a certificate to that effect by the Central Government.

Employment to those who have undergone military training.

4. The appropriate Government shall give preference to persons who have successfully completed their military training in services under defence, para-military forces and such other establishments and organisations, as it may deem fit, for proper utilisation of talent:

Provided that all such persons, who, after successful completion of their military training remain unemployed, shall be given unemployment allowances at such rate, as may be determined from time to time, by the appropriate Government till they are gainfully employed.

Power to make rules.

5. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Almost all developing countries, even those smaller in size, population and resources than India, are providing for compulsory military training for their citizens. Providing compulsory military training to able-bodied citizens does not in any way run counter to the ideal of international peace and harmony, which has been the hall-mark of India's foreign policy since independence. Military training does not necessarily encourage the pugnacity of individual or the belligerence of the nation-States. On the contrary it inculcates qualities of discipline and sacrifice and fosters in each individual the spirit of brotherhood and amity. A well integrated and a coordinated programme of military training would be immensely beneficial to channelize the vast energies of our youth and would lead to their all-round development and enhancement of the welfare of the nation. People can defend and safeguard their houses from robbery and dacoity which are increasing day by day. Many innocent people are murdered in broad day light. As the extremist activities are on the rise in the country, Central and State Governments have not been able to provide adequate protection to general public. Therefore, self-defence has become a must for every individual.

With this in view, the Bill seeks to provide for compulsory military training to all able-bodied citizens.

The Bill seeks to achieve the above objective.

NEW DELHI;
July 18, 2011.

ADHIR RANJAN CHOWDHURY.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides that the Central Government shall provide compulsory military training to all able-bodied persons for a period of not less than one year and for the purpose shall establish such number of institutions and shall take such other necessary steps, as it may deem fit. Clause 4 provides that persons who have undergone military training and remain unemployed shall be given unemployment allowance. The Central Government will have to incur expenditure in respect of the Union territories for carrying out the provisions of the Bill. The Central Government may have to assist the State Governments for carrying out the provisions of this Bill. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is likely to involve an annual recurring expenditure of about rupees seven thousand crore per annum.

A non-recurring expenditure of about rupees one thousand crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 5 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. The rules will relate to matters of detail only and as such the delegation of legislative power is of a normal character.

BILL NO. 32 OF 2011

A Bill to provide for nationalisation of inter-State rivers for the purpose of equitable distribution of river waters among the States and for matters connected therewith or incidental thereto.

Be it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commence-
ment.

1. (1) This Act may be called the Nationalisation of Inter-State Rivers Act, 2011.

(2) It extends to the whole of India.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appropriate Government” means the State Government in case of a State and the Central Government in all other cases;

(b) “inter-State river” means any river which has its source in one State and passes through two or more States including the States in which the river has its origin before it submerges into the sea and also includes, a lake, tank, rivulet, which has its source from a river which is an inter-State river; and

(c) “prescribed” means prescribed by rules made under this Act.

3. Notwithstanding anything contained in any other law for the time being in force, no State shall have exclusive right over an inter-State river or to its use.

No State to have exclusive right over an inter-State river.

4. On and from the date of commencement of this Act, the Central Government shall have exclusive right and control over all inter-State rivers.

Only Central Government to have right and control over inter-State rivers.

5. (1) Every State Government/Union territory Administration shall forward its requirements of water for all purposes, including irrigation and drinking water to the Central Government and also its requirements for electricity.

State Governments to forward requirements for water/electricity.

(2) While forwarding its requirements, every State Government/Union territory Administration shall indicate the rivers, which are not inter-State rivers, and their status and any dam constructed within the State on any river, including an inter-State river, and its capacity for storage of water and electricity generated from those rivers.

(3) Every appropriate Government shall also indicate the average rainfall in the State during the last three years in different seasons and the amount of rainfall during the current year.

6. (1) It shall be the duty of the Central Government to distribute river water of every inter-State river to the States within which such rivers pass through.

Central Government to distribute inter-State river water.

(2) While distributing river waters, the Central Government shall take into consideration the following factors:—

- (a) the population and area of each interested State;
- (b) the land available for farming in each State;
- (c) the requirements for drinking water and for agricultural and other purposes in each State;
- (d) the length of inter-State river passing through each State; and
- (e) the requirements and availability of electricity in each State.

7. (1) On and from the date of commencement of this Act, no appropriate Government shall construct any hydro-electrical plant or project on any inter-State river or based on it.

Central Government to construct hydro-electrical plants on inter-State rivers.

(2) **The Central Government shall have exclusive right and control to construct any power plant meant for power generation on any inter-State river and shall distribute electricity in such ratio, among the States through which the inter-State rivers pass, as may be prescribed.**

(3) Every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives from any hydro-electrical plant or project constructed on an inter-State river.

8. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

India is a union of States. There are many rivers, big or small flowing through many States before they submerge into the nearest sea. Today half of our population do not have access to potable water. Water is also not available for irrigation and other purposes. As a result, production of agricultural products has been considerably reduced.

It has been observed that many States through which a river flows, fight for considerable share of river water and try to deprive the just and due demand of other States. Consequently, many cases are pending in tribunals for settlement. It is a common knowledge that tribunals take a long time before delivering judgement. In the meantime the affected States fight each other for their share of water from the inter-State rivers and as a result, there is always strained relation among the States.

Therefore, it is proposed that only the Central Government shall have exclusive right and control over all inter-State rivers and it shall distribute river water according to pre-determined formula for allocation of water. It is proposed that the Central Government shall also have exclusive right over electricity projects constructed on inter-State rivers. This measure will not only enable distribution of river water among the different States without affecting the interests of the concerned States but also enable proper utilisation of available resources.

NEW DELHI;
July 18, 2011.

ADHIR RANJAN CHOWDHURY.

FINANCIAL MEMORANDUM

Clause 7 of the Bill provides that the Central Government shall construct hydro electrical plants or projects on inter-State rivers. Though there is a provision that every State Government shall pay to the Central Government in such ratio as may be prescribed for the electricity it receives, yet some expenditure will be incurred from the Consolidated Fund of India. It is likely that an annual recurring expenditure of about rupees five hundred crore will be involved.

A non-recurring expenditure of about rupees five hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 8 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. Since the matters will relate to detail only, the delegation of legislative power is of a normal character.

BILL NO. 36 OF 2011

A Bill to provide for special educational facilities to the children of parents living below poverty line and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the Special Educational Facilities (For Children of Parents Living Below Poverty Line) Act, 2011.

Short title and
extent.

(2) It extends to the whole of India.

2. In this Act, unless the context otherwise requires,—

Definitions.

(a) "appropriate Government" means in the case of a State, the State Government, and in other cases, the Central Government;

(b) "parents living below poverty line" means such parents whose income from all sources is less than rupees ten thousand per mensem; and

(c) "prescribed" means prescribed by rules made under this Act.

Facilities to children born of parents living below poverty line.

3. It shall be the duty of the appropriate Government to provide to every child born of parents living below poverty line, the following facilities, namely:—

(a) **free education from school level to the post-graduate level including higher, medical and technical education;**

(b) **free hostel facilities, uniform, meals and such other assistance and facilities as are required for the proper education of children; and**

(c) **gainful employment to the child after he complete his education.**

Scholarships.

4. The appropriate Government shall provide scholarships upto a maximum of rupees five hundred per mensem, in deserving cases, to the children of parents living below poverty line while they are pursuing their education.

Reservation of seats in medical and technical colleges for children born of parents living below poverty line.

5. The appropriate Government shall reserve such percentage of seats of the total number of seats, as may be prescribed, in all medical and technical colleges and institutions of higher studies for children born of parents living below poverty line.

Power to make Rules.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

Nearly thirty-seven per cent. of the total population of our country lives below the poverty line. Their income is meagre and they fight for their subsistence throughout their lives. They have hand to mouth existence and cannot even think of getting elementary education which may enable them to read and write. Since promotion of universal education and establishment of classless and creedless society is one of the basic aims of our Constitution, the Government at the national level as well as at the State level should make provisions for free educational facilities and provide books, uniform, writing materials, transportation and hostel facilities free of cost to the children of persons living below the poverty line, that is to say, whose total family income is below ten thousand rupees per month, so that they could get proper education and better job opportunities to raise their standard of living. It will be a major step in eradicating illiteracy from the country. It will also help such children to grow and compete with children of higher class.

Moreover, there are also children who are bright students but the economic condition of their family is such that they are not able to meet their requirements such as books and other stationery items. Keeping this in view, a provision has been made in the Bill to provide bright students belonging to very poor families a scholarship of rupees five hundred per mensem.

Hence, this Bill.

NEW DELHI;
July 18, 2011.

ARJUN MEGHWAL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for free education including medical and technical education, etc. by the appropriate Government to children born of parents living below poverty line. It also seeks to provide for facilities such as free hostel, uniform, meals etc. to such children. Clause 4 provides that the appropriate government shall provide scholarship upto a maximum of rupees five hundred per mensem in deserving cases, to such children. The Central Government has to bear the expenditure in respect of Union territories in implementing the provisions of the Bill. The respective State Government shall bear the expenditure in respect of their State. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure to the tune of rupees ten thousand crore is likely to be incurred per annum.

A non-recurring expenditure of rupees twenty thousand crore is also likely to be incurred.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill empowers the Central Government to make rules for carrying out the purposes of the Bill. These rules will relate to matters of detail only. The delegation of legislative powers is, therefore, of a normal character.

BILL NO. 49 OF 2011

A Bill to establish and maintain a teaching and residential University at Patna and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

1. (1) This Act may be called the University of Patna Act, 2011.

Short title and
commencement.

(2) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

2. There shall be established and maintained a teaching and residential University at Patna (hereinafter referred to as the University) by the Central Government.

Establishment
of a University
at Patna.

3. (1) The President of India shall be the Chancellor of the University.

Officers of the
University.

(2) The Chancellor of the University shall appoint such person as Vice-Chancellor as he may deem fit and appoint such other Officers as may be required.

Power to
make rules.

4. (1) The Central Government may, by notification in the Official Gazette, make rules for the efficient functioning of the University.

(2) In particular and without prejudice to the generality of the foregoing powers, such rules may provide for all or any of the following matters, namely:—

(a) the terms and conditions of service of Officers of the University;

(b) appointment of authorities of the University;

(c) provision of instructions in such branches of learning as the University may, from time to time, determine and to make provision for research and for the advancement and dissemination of knowledge;

(d) the institution of Principalships, Professorships, Readerships, Lecturerships, and other teaching or academic posts required by the University and to appoint persons to such Principalships, Professorships, Readerships, Lecturerships or other posts;

(e) creation of administrative, ministerial and other posts and appointments thereto; and

(f) performance of all such other acts and things as may be necessary, incidental or conducive to the attainment of all or any of the objects of the University.

STATEMENT OF OBJECTS AND REASONS

Patna University is one of the oldest Universities of the country. Patna University was established under an Act of Legislature in 1917. This is the first university in Bihar and seventh in India. The University is facing acute financial crisis. As the State of Bihar itself is reeling under acute shortage of resources, it has not been able to help the Patna University. Sixteen new Central Universities have been established *w.e.f.* 15.1.2009 in hitherto uncovered States (except Goa), by an ordinance promulgated by the President of India and Bihar got its first Central University *i.e.* Central University of Bihar. But given the unique position and significance of Patna University, it seems only natural that the Patna University is converted into a Central University.

Accordingly, it is proposed to convert Patna University into a Central University.

Hence, this Bill.

NEW DELHI;
July 18, 2011.

BHOLA SINGH.

FINANCIAL MEMORANDUM

Clause 2 of the Bill provides for the establishment and maintenance of the Central University at Patna. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India in respect of expenses in connection with the proposed University. It is estimated that a recurring expenditure of about rupees one hundred crore per annum is likely to be involved.

No non-recurring expenditure is likely to be involved in as much as only the existing University is converted into a Central University.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 4 of the Bill empowers the Central Government to make rules for carrying out the provisions of the Bill.

As the rules to be made relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 55 OF 2011

A Bill to provide for the regulation of appointments on compassionate grounds in offices under the control of Central Government and for matters connected therewith.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title, extent and commencement. 1. (1) This Act may be called the Government Services (Regulation of Compassionate Appointments) Act, 2011.

(2) It shall apply to the offices under the control of Central Government.

(3) It shall come into force at once.

Definitions. 2. In this Act, unless the context otherwise requires,—

(a) "appointment on compassionate grounds" means any appointment to the Government service of a member of the family of a Government servant who dies while being in service;

(b) "Dependent Family Member" means

(i) spouse; or

(ii) son (including adopted son); or

(iii) daughter (including adopted daughter); or

(iv) brother or sister in the case of unmarried Government servant, who was wholly dependent on the Government servant at the time of his death in harness; or

(v) parents, if the Government servant was their only child;

(c) "Government" means the Central Government;

(d) "Government servant" means a person who was a Government servant at the time of his death but does not include a person 'who' was appointed on daily wage or casual or apprentice or on *ad hoc* basis or contract or re-employment basis;

(e) "Government service" means any service to any Ministry, organization, undertaking, autonomous body or society or any establishment for which funds are provided by the Central Government or where majority of shares are held by the Central Government; and

(f) "prescribed" means prescribed by rules made under the Act.

3. (1) Notwithstanding anything contained in any other law or rule or order or bye-law or notification or judgment or order of any Court, for the time being in force, the Central Government shall provide appointment on compassionate grounds to one dependent family member of a Government servant who dies in harness within a period of two months from the date of death of the Government servant in such manner as may be prescribed.

Appointment on compassionate grounds to be provided within two months from the date of death of a government servant.

(2) The appointment on compassionate grounds provided under sub-section (1) shall not be subject to any quota or ceiling prescribed for such appointments.

4. (1) The Central Government may prescribe such eligibility conditions and other guidelines for appointment on compassionate grounds, as it may think fit.

Central Government to prescribe guidelines.

(2) Without prejudice to the generality of the foregoing provision, such eligibility conditions shall also include,—

(i) that the dependent family member shall be living with the Government servant at the time of his death;

(ii) that the eligible family member makes an application for appointment on compassionate grounds; and

(iii) that the total income of the dependent family members shall not be more than rupees two lakh per annum.

5. (1) Subject to section 4, if no suitable employment is available on compassionate grounds in the organisation in which the Government servant was working at the time of his death, it shall be mandatory for the Government to provide employment in another organization in the Government, preferably in the same city in which the Government servant was residing at the time of his death.

Government to provide employment.

(2) If none of the family members is eligible for compassionate appointment, then the oldest member of the family who has not attained the age of fifty years shall be provided with employment after giving him suitable training necessary for the job.

6. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

Power to make rules.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which

may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

When a Government servant dies in service, his immediate family is left uncared for. With the meagre pension benefits, the family will not be able to sustain in the present day when cost of living is going up consistently. Of course, there is a provision for providing employment to eligible dependent member of the immediate family of the Government servant on compassionate grounds. But it has been observed that the employment is refused on flimsy grounds or the family is made to run from pillar to post to get employment. Sometimes, employment is also refused on the ground that quota fixed for such appointments is already over or none of the family members was found eligible for appointment in Government. Only in every few cases, compassionate employment is provided to immediate family members of the Government servants.

In order to mitigate the sufferings of the family members of the Government servant, the Bill seeks to provide for compulsory employment to dependent family members of the Government servant on compassionate grounds within a given time frame.

The Bill will go a long way in mitigating the sufferings of the family members of the Government servants. Moreover, the Supreme Court has, in a judgment, ordered that compassionate appointments can be mandatory but can only be given in certain circumstances. As a result, many of the families are suffering.

The Bill seeks to achieve the above objectives.

NEW DELHI;
July 19, 2011.

A. T. NANA PATIL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill provides for appointment of dependent family members of the Government servant on compassionate grounds within a given time frame. The Bill also provides for suitable training to dependant family members in order to make them eligible for Government service. The Bill, therefore, if enacted, would involve expenditure from the Consolidated Fund of India. It is estimated that a recurring expenditure of about rupees one hundred crore per annum will be involved.

A non-recurring expenditure of about rupees ten crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 6 of the Bill seeks to empower the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of detail only, the delegation of legislative power is of a normal character.

BILL NO.53 OF 2011

A Bill to regulate the programmes telecast on television channels and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
extent and
commencement.

1. (1) This Act may be called the Television Programmes (Regulation) Act, 2011.
- (2) It extends to the whole of India.
- (3) It shall come into force at once.

Definitions.

2. In this Act, unless the context otherwise requires,—

(i) “Authority” means the Television Programmes Regulation Authority set up under section 3 of this Act;

(ii) “prescribed” means prescribed by rules made under this Act;

(iii) "programme" means and includes any serial, documentary, opinion poll, short film, commercial advertisement, musical programme including songs and dance sequences, fashion show, talk show or any other programme telecast for public viewing; and

(iv) "television network" means a television channel, whether privately owned or otherwise, including a foreign television channel, whether in partnership with an Indian Television Channel or otherwise, or owned by a non-resident Indian.

3. (1) The Central Government shall set up an Authority to be known as the Television Programmes Regulation Authority.

Television
Programme
Regulation
Authority.

(2) The Authority shall consist of:—

(a) A Chairman who shall be an eminent personality in the field of entertainment/ media to be appointed by the Central Government; and

(b) two other members to be nominated by the Central Government.

(3) The terms and conditions of service and salary and allowances of the Chairman and members of the Authority shall be such as may be prescribed.

(4) The Authority shall perform such functions as may be assigned to it by the Central Government.

(5) The Central Government shall provide such number of officers and staff as may be required for the efficient functioning of the Authority.

4. (1) The Authority shall have its offices in the capital of every State of the country.

Authority to
set up its
offices in
every State.

(2) Every office of the Authority set up under sub-section (1) shall consist of—

(a) a Chairman to be appointed by the Central Government; and

(b) four other members to be appointed by the Central Government, in such manner as may be prescribed.

(3) The terms and conditions of service and salary and allowances of the Chairman and members shall be such as may be prescribed.

5. (1) Every television network before telecasting any programme on its network shall forward the contents of the programme to the office of the Authority nearest to the headquarters of the television network for the purpose of obtaining certificate for public exhibition of the programme.

Functions of
Authority.

(2) The television network shall not be required to obtain prior permission from the Authority for telecasting news or any other programme, which has already been allowed for public exhibition under the Cinematograph Act, 1952 or any other law for the time being in force or under the provisions of this Act.

(3) The Authority, while certifying every programme, shall ensure that:—

(i) it does not violate any existing law of the country;

(ii) it does not exhibit violent, vulgar or sexually explicit scenes or any scene degrading our culture or posing threat to unity and integrity of the country;

(iii) it does not exhibit nude or semi-nude scenes in the name of fashion show or song dance sequences;

(iv) it does not show programmes creating hatred between different sections of the society on the ground of religion, caste, creed or language;

(v) it does not promote drinking, smoking or use of any other narcotic drug;

(vi) it does not defame any person, organization including a business organization, Government or a political party;

(vii) it does not telecast mischievous news-item or give false or inaccurate information which could create confusion among the viewing public;

(viii) it does not offer any unwarranted comment on any matter pending in a Court of Law; and

(ix) it does not offer any comment on the functioning of Parliament or State Legislature or Members thereof or Judiciary.

Certificate
for public
exhibitions.

6. The office of the authority where programmes have been submitted for certification, shall scrutinize the programmes and give a certificate for allowing public exhibition of such programmes on the television channel.

Explanation.— Certificate from any office of the Authority shall mean permission to telecast the programme throughout the country.

Power of the
Authority to
inquire.

7. The Authority may, on its own or on receipt of a complaint, cause an inquiry into the functioning of a television channel.

Penalty for
violation.

8. (1) If, after an inquiry, it is found that the television channel has violated the provisions of any guideline issued by the Authority, the licence of the television channel shall be suspended for a period of one year:

Provided that if any television channel violates the provisions of this Act for the second time, the Authority shall cancel the licence of that channel.

(2) The owner and the in-charge of the programme of the television network shall be punished for violating the provisions of this Act with imprisonment of either description for a term which may extend to five years or with fine which may extend to rupees one lakh or with both.

Power to
make rules.

9. (1) The Central Government may, by notification in the Official Gazette, make rules for carrying out the purposes of this Act.

(2) Every rule made under this Act shall be laid, as soon as may be after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both the Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

The number of television channels in the country is increasing rapidly and programmes telecast on these channels run into thousands. Some of the programmes telecast on these channels are such that they cannot be watched along with children. These channels expose the youngsters to violence and vulgarity which can corrupt their minds. Even some commercial advertisements are not in good taste.

Our culture is being tarnished by these channels. In our country there is a separate regulatory mechanism for films. Television channels air thousands of serials and other programmes every month but there is no regulatory mechanism for them. Television has become part and parcel of the lives of vast number of families all over the country.

It is accordingly proposed to set up a regulatory mechanism to regulate the programmes being telecast on television channels.

Hence, this Bill.

NEW DELHI;
July 19, 2011.

A.T. NANA PATIL.

FINANCIAL MEMORANDUM

Clause 3 of the Bill seeks to establish an Authority to regulate programmes telecast by television channels with its headquarters at New Delhi. Clause 4 provides that an office of the Authority shall be set up in every State capital. The Bill, therefore, if enacted, will involve expenditure from the Consolidated Fund of India. It is estimated that an annual recurring expenditure of about rupees two hundred crore will be involved.

A non-recurring expenditure of about rupees one hundred crore is also likely to be involved.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Clause 9 of the Bill empowers the Central Government to frame rules for carrying out the purposes of the Bill. As the rules will relate to matters of details only, the delegation of legislative power is of a normal character.

BILL NO. 38 OF 2011

A Bill further to amend the Constitution of India.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title.

1. This Act may be called the Constitution (Amendment) Act, 2011.

Insertion of
new article
16A.

2. After article 16 of the Constitution, the following article shall be inserted, namely:—

Employment
opportunity for
persons
belonging to
the Scheduled
Castes and the
Scheduled
Tribes in
Private Sector.

"16A. Nothing in this Constitution shall prevent the State from taking any step to encourage private sector to provide reservation in the matter of employment in private enterprises in favour of persons belonging to the Scheduled Castes and the Scheduled Tribes in such manner as the State may, by law, determine."

Explanation:—In this article, "private enterprise" means any private enterprise or organization whose annual turnover is not less than rupees twenty crore.

3. In article 335 of the Constitution, the words "consistent with the maintenance of efficiency of administration" shall be omitted.

Amendment of
article 335.

STATEMENT OF OBJECTS AND REASONS

The framers of the Constitution felt that unless special provisions were made for the protection of the rights of Scheduled Castes and Scheduled Tribes to secure fair representation in public employment in proportion to their population, they would never be possible to catch up and compete successfully for securing public employment. Therefore, to secure fair representation of Scheduled Castes and Scheduled Tribes in services and posts under the State, special provisions of reservation and other welfare measures under articles 15(4), 16(4), 16(4A), 16(4B), 46 and article 335 of the Constitution were made.

It has been observed that even after sixty-three years of independence and with the facilities of aforesaid provisions, the representation of the Scheduled Castes and the Scheduled Tribes in various Departments and Public Sector Undertakings of Government of India has not reached the prescribed level of reservation *i.e.*, 15 per cent. for Scheduled Castes and 7.5 per cent. for Scheduled Tribes. A substantial shortfall of Scheduled Castes in Group A and B category and Scheduled Tribes in almost all categories of posts is noticed; the post-wise analysis has indicated that percentage of representation of these communities in higher posts is far below the requirement. The reservation for Scheduled Castes and Scheduled Tribes in services, though constitutionally guaranteed, has become a farce due to the frequent and unwarranted interference on the part of Administrators and also Judiciary.

One of the main reasons for non-implementation of reservation policy effectively has been invented, by the persons in authority, in the provisions of article 335 wherein the words "consistent with the maintenance of efficiency of administration" have been read emphatically and eloquently than the article as a whole with a view to find a leeway for denial of reservation to the persons belonging to the Scheduled Castes and Scheduled Tribes in services and posts under the State. Such dubious interpretation of this lucidly worded article has obliterated and stolen the plain meaning of article 335 of the Constitution. Moreover, these words are no longer relevant at the time when suitable, efficient, eligible candidates with sound educational background are available from the Scheduled Castes and Scheduled Tribes categories. Now, these people want their full representation not only reservation in posts and services under the States. Therefore, these words should be omitted from the article 335 of the Constitution so that there is no scope of denying benefits to the Scheduled Castes and the Scheduled Tribes on this ground.

At present, job opportunities in Government sector are very limited due to increasing privatization of services in each sector. Today, most of the job opportunities are available in private sector but there is no reservation policy in existence even though they are supposed to share and contribute to discharge their social responsibility. It may be seen that there is nothing private in the private sector because most of the players in private sector have availed loan up to ninety-five percentage of the cost of their establishment from the nationalized banks and financial institutions to carry out their business. Loan raised by them is public money which is being utilized for promoting private interests without any social responsibility. Therefore, it becomes imperative for the State to encourage private sector to provide reservation in favour of persons belonging to the Scheduled Castes and Scheduled Tribes in order to fulfil their social obligation.

The Bill seeks to amend the Constitution with a view to:—

- (i) enable the State to take steps to encourage private sector to provide reservation in favour of persons belonging to the Scheduled Castes and Scheduled Tribes in their establishments; and
- (ii) omit the words 'consistent with the maintenance of efficiency of administration' from article 335 remove any hindrance in the way for implementation of reservation policy effectively;

In order to safeguard the interests of persons belonging to the Scheduled Castes and Scheduled Tribes ensured in the various provisions of the Constitution and to secure them social justice and giving opportunities to have a share in the governance and administration of the country.

Hence, this Bill.

NEW DELHI;
July 14, 2011.

P. L. PUNIA.

BILL NO. 33 OF 2011

A Bill to provide for reservation in appointments or posts in civil services for members of the Scheduled Castes and the Scheduled Tribes in establishments and for matters connected therewith or incidental thereto.

BE it enacted by Parliament in the Sixty-second Year of the Republic of India as follows:—

Short title,
application and
commencement.

1. (1) This Act may be called the Scheduled Castes and the Scheduled Tribes (Reservation in Posts and Services) Act, 2011.

(2) It shall apply to every establishment under the State.

(3) It shall come into force on such date as the Central Government may, by notification in the Official Gazette, appoint.

Definitions.

2. In this Act, unless the context otherwise requires,—

(a) “appointing authority”, in relation to a service or post in an establishment, means the authority empowered to make appointment to such service or post;

(b) "establishment" means every such establishment owned, established, controlled, managed or financed by the Government and includes—

(i) a Ministry or department or subordinate office or attached office of the Government;

(ii) a public sector undertaking or statutory authority constituted under any Central Act;

(iii) a corporation in which not less than fifty-one per cent. of the paid-up share capital is held by the Government;

(iv) a university established by a Central Act and its affiliated colleges, including medical and engineering colleges and institutions;

(v) a primary or secondary school or any other educational institution;

(vi) an industry, trade or business;

(vii) a Government company as defined under section 617 of the Companies Act, 1956; and

1 of 1956.

(viii) an autonomous body, organisation or institution receiving grant or aid from the Consolidated Fund of India;

(c) "Government" means the Central Government;

(d) "Group 'A' post" or "Group 'B' post" or "Group 'C' post" or "Group 'D' post" means a post which is classified as such by the President in exercise of the powers conferred by the proviso to article 309 of the Constitution or by or under any Act of Parliament and includes an equivalent post in any establishment;

(e) "prescribed" means prescribed by rules made under this Act;

(f) "promotion by non-selection" means promotion made on the basis of seniority-cum-fitness;

(g) "promotion by selection" means promotion made on the basis of merit-cum-seniority;

(h) "recruitment year" means the calendar year for which the recruitment is made; and

(i) "Scheduled Castes" and "Scheduled Tribes" shall have the meanings respectively assigned to them in clauses (24) and (25) of article 366 of the Constitution.

3. (1) The Government shall reserve such percentage of posts for members of the Scheduled Castes and the Scheduled Tribes for appointment in civil services by direct recruitment and promotion, in such manner, as may be prescribed.

Reservation in appointment by direct recruitment and promotion.

(2) The vacancy reserved for members of the Scheduled Castes or the Scheduled Tribes under sub-section (1) shall be filled in such manner, as may be prescribed.

4. In the case of promotion by selection from one Group 'A' post to another Group 'A' post which carries the scale of pay, the maximum of which is equal to or less than the maximum of the scale of pay of a Director in the Central Secretariat Service or equivalent posts in other establishments, the officers belonging to the Scheduled Castes and the Scheduled Tribes shall be considered for appointment.

Inclusion of Scheduled Castes and Scheduled Tribes officers in select list in case of promotion within Group 'A'.

5. (1) Appointment to an unreserved vacancy shall be open to all eligible persons including a person belonging to the Scheduled Castes or the Scheduled Tribes.

Unreserved vacancies to be open to members of Scheduled Castes and Scheduled Tribes.

(2) Where such unreserved vacancy is filled by direct recruitment or promotion by a person belonging to the Scheduled Castes or the Scheduled Tribes on the basis of merit, then, such person shall be appointed against the unreserved vacancy:

Provided that no such appointment shall be made for promotion by non-selection.

Relaxation of age.

6. (1) The maximum age limit fixed for direct recruitment to a service or post shall be increased by five years for members of the Scheduled Castes and the Scheduled Tribes.

(2) The maximum age limit fixed for promotion to a post, if any, shall be increased by five years for members of the Scheduled Castes and the Scheduled Tribes.

Fee concession.

7. The examination fee or application fee, determined for recruitment to a service or post through competitive examination or otherwise, may be reduced to such extent for members of the Scheduled Castes and the Scheduled Tribes, as may be prescribed.

Relaxation in qualifications and experience.

8. (1) Any standard of suitability, excluding the essential and desirable qualifications, required for appointment by direct recruitment to a post may be relaxed for members of the Scheduled Castes and the Scheduled Tribes, if sufficient number of such candidates possessing requisite standards are not available to fill the vacancies reserved for them:

Provided that no such appointment shall be made where the candidate is found unfit to hold the post.

(2) The experience required for appointment by direct recruitment to a post may be relaxed for members of the Scheduled Castes and the Scheduled Tribes, if at any stage of selection, sufficient number of such candidates possessing the requisite experience are not available to fill the vacancies reserved for them.

Reservation in case of promotion.

9. (1) Where a qualifying examination is held to determine fitness of eligible persons for promotion by non-selection and sufficient number of members of the Scheduled Castes and the Scheduled Tribes fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of fitness required for appointment to the post, in the case of members of the Scheduled Castes and the Scheduled Tribes.

(2) Where qualifying examination is held to determine merit of eligible persons for promotion by selection and sufficient number of members of the Scheduled Castes and the Scheduled Tribes fulfilling the qualifying standards are not available to fill the vacancies reserved for them, such qualifying standards may be relaxed, consistent with the minimum standards of merit required for appointment to the posts, in the case of members of the Scheduled Castes and the Scheduled Tribes.

Reserved vacancies to be filled by members of Scheduled Castes and Scheduled Tribes.

10. The vacancies reserved for members of the Scheduled Castes or the Scheduled Tribes shall respectively be filled by members of the Scheduled Castes and the Scheduled Tribes only.

Abolition of posts not to affect the representation of members of Scheduled Castes and Scheduled Tribes.

11. Where posts in an establishment are to be abolished and as a result thereof, the services of certain persons are required to be either surrendered or terminated, no such surrender or termination shall be made in respect of members of the Scheduled Castes and the Scheduled Tribes, if it results in lowering their representation in relation to the percentage of reservation fixed for them.

Liaison officer.

12. (1) Every establishment shall designate an officer of such rank, as may be prescribed, to function as a liaison officer for the purpose of ensuring that the provisions of this Act or the rules made thereunder or any direction or instruction issued by the Government regarding reservation are not contravened.

(2) The liaison officer shall, from time to time, inspect and verify the documents, records and reports with respect to appointments of members of the Scheduled Castes and the Scheduled Tribes made by the appointing authority by direct recruitment or promotion.

(3) Where the liaison officer is satisfied that any establishment has contravened the provisions of this Act or the rules made thereunder or any direction or instruction issued, he shall submit a report of such contravention to the head of the establishment.

(4) On receipt of the report of contravention under sub-section (3), the head of establishment shall take disciplinary action under section 17 against the person responsible for such contravention.

13. (1) Every appointing authority, or an officer authorised by him in this behalf, shall maintain such documents and records, and furnish every year a report on the appointments of members of the Scheduled Castes and the Scheduled Tribes made by direct recruitment and promotion, in such manner and at such time, as may be prescribed.

Maintenance of documents and records and furnishing of report by appointing authority.

(2) The appointing authority or any other officer authorised by him shall make available such documents and records for inspection, furnish such information, and render such assistance, to the liaison officer, as may be necessary, to enable him to carry out his functions under this Act.

14. The Government shall, subject to the availability of finance and other resources, develop and organise training programmes to advance the competence of members of the Scheduled Castes and the Scheduled Tribes for appointment to services and posts.

Training programme for Scheduled Castes and Scheduled Tribes.

15. Whoever knowingly makes a false claim that he is a member of the Scheduled Caste or the Scheduled Tribe, as the case may be, shall be liable to punishment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

Penalty for making false claim.

16. Whoever knowingly issues a false Scheduled Caste or Scheduled Tribe certificate shall be liable for punishment for a term which may extend to three years or with fine which may extend to fifty thousand rupees or with both.

Penalty for issuing false caste certificate.

17. Where any person responsible for implementing the provisions of this Act or the rules made thereunder, intentionally contravenes any of the provisions thereof, he shall be liable for disciplinary action under the service rules applicable to such person.

Disciplinary action for contravention of provisions of Act.

18. The Government may, for giving effect to the provisions of this Act or the rules made thereunder, issue such directions to establishments, as it deems fit.

Power to issue directions.

19. All memoranda issued or purported to have been issued by the Government in relation to reservation of posts in civil services for members of the Scheduled Castes and the Scheduled Tribes, immediately before the commencement of this Act, shall, in so far as they relate to the matters for which provisions have been made in this Act and are not inconsistent therewith, be deemed to have been issued under this Act as if this Act had been in force on the date on which such memoranda were issued.

Existing office memoranda to continue.

20. (1) The Central Government may, by notification in the Official Gazette, make rules to carry out the provisions of this Act.

Power to make rules.

(2) In particular and without prejudice to the generality of the foregoing power, such rules may provide for all or any of the following matters, namely:—

(a) the percentage of posts for reservation and the manner of reservation under sub-section (1) of section 3;

(b) the manner of filling vacancies under sub-section (2) of section 3;

(c) the extent of reduction in examination fee and application fee under section 7;

(d) the rank of the officer to be designated as the liaison officer under sub-section (1) of section 12;

(e) the documents and records to be maintained and the time and manner of furnishing report under sub-section (1) of section 13.

(3) Every rule made by the Central Government under this section shall be laid, as soon as may be, after it is made, before each House of Parliament, while it is in session, for a total period of thirty days which may be comprised in one session or in two or more successive sessions, and if, before the expiry of the session immediately following the session or the successive sessions aforesaid, both Houses agree in making any modification in the rule or both Houses agree that the rule should not be made, the rule shall thereafter have effect only in such modified form or be of no effect, as the case may be; so, however, that any such modification or annulment shall be without prejudice to the validity of anything previously done under that rule.

STATEMENT OF OBJECTS AND REASONS

At present, administrative instructions issued by the Central Government from time to time, provide for reservation in appointments or posts in favour of the persons belonging to the Scheduled Castes and the Scheduled Tribes in Civil Services under the control of the Central Government. These instructions have been issued in pursuance of clauses (4) and (4A) of article 16 and the proviso to article 335 of the Constitution which empower the State to make provisions for reservation in appointments or posts in favour of the persons belonging to the Scheduled Castes and the Scheduled Tribes.

2. Being sensitive to the need for providing adequate representation for the Scheduled Castes and the Scheduled Tribes in Civil Services under the control of Central Government and to give statutory backing to the instructions in the matter, it is proposed to bring forward a suitable legislation which will elevate the provisions of the reservation to a statutory right and also instil greater confidence amongst members of the Scheduled Castes and the Scheduled Tribes. It will go a long way in meeting the constitutional goal of securing justice, liberty and equality for all citizens of the country and in promoting fraternity amongst them all.

3. In the light of M. Nagraj case decided by the Supreme Court in the year of 2006 the reservation in promotion has not been granted by many States of Union of India and litigation in this regard has also reached in the complex situation. So, it is also urgent need to make a law in this connection and clause 16(4A) of the Constitution of India is needed further clarification and that clarification will meet with an enactment.

4. The Bill seeks to achieve the above objects.

NEW DELHI;
July 18, 2011.

ARJUN MEGHWAL.

MEMORANDUM REGARDING DELEGATED LEGISLATION

Sub-clause (1) of clause 3 of the Bill empowers the Central Government to prescribe the extent and manner of reservation by direct recruitment and promotion in civil services for the members of the Scheduled Castes and the Scheduled Tribes. Sub-clause (2) thereof empowers the Central Government to prescribe the manner of filling such vacancy.

2. Clause 7 of the Bill empowers the Central Government to prescribe the extent of fee concession for the members of the Scheduled Castes and the Scheduled Tribes.

3. Sub-clause (1) of clause 12 of the Bill empowers the Central Government to prescribe the rank of the officer who may be designated as the liaison officer.

4. Sub-clause (1) of clause 13 of the Bill empowers the Central Government to prescribe the manner of maintaining documents and records, and the manner and time of furnishing report on appointments of the members of the Scheduled Castes and the Scheduled Tribes made by direct recruitment and promotion, by the appointing authority.

5. The matters in respect of which rules may be made or notification may be issued are essentially matters of detail or procedure. The delegation of legislative power is, therefore, of a normal character.

T.K. VISWANATHAN,
Secretary-General.